

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated, or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Tyson Foods, Incorporated
Facility Name:	Tyson Foods, Inc. - Temperanceville
Facility Location:	Quarter mile south of Temperanceville, Virginia on west side of U.S. Route 13 Accomack County, Virginia
Registration Number:	40333
Permit Number:	TRO40333

January 12, 2004

Effective Date

January 11, 2009

Expiration Date

(for)

Robert G. Burnley
Director, Department of Environmental Quality

January 5, 2004

Signature Date

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I. Facility Information

Permittee

Tyson Foods, Incorporated
P.O. Box 8
Temperanceville, Virginia 23442

Responsible Official

Dr. Bill Ricken
Complex Manager

Facility

Tyson Foods, Incorporated
P.O. Box 8
Temperanceville, Virginia 23442

Contact Person

Doug Baxter
Area Manager, Environmental Compliance
(804) 798-8357

AFS Identification Number: 51-001-00002

Facility Description:

SIC Code 2016 - Poultry and poultry by-products

SIC Code 2077 - Inedible poultry by-products - poultry meal, poultry fat, feather meal

The manufacturing operations consist of processing live chickens into marketable commodities. This is accomplished through slaughtering, defeathering, evisceration, chilling, and final packaging and shipping.

The protein conversion operations consist of rendering offal and feather waste into useable products, which include poultry meal, feather meal, and poultry fat.

II. Emission Units

Equipment to be operated consists of:

Emission Unit Id.	Stack ID	Emission Unit Description	Size/Rated Capacity*	Applicable Permit Date
Fuel Burning Equipment				
PB1	PB1V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1971	14.7 million Btu/hr	NSR/NSPS permit issued October 24, 2003
PB2	PB2V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1967	6 million Btu/hr	NSR/NSPS permit issued October 24, 2003
PB3	PB3V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1969	14.7 million Btu/hr	NSR/NSPS permit issued October 24, 2003
RB1	RB1V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1977	29.3 million Btu/hr	NSR/NSPS permit issued October 24, 2003
RB2	RB2V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1972	29.3 million Btu/hr	NSR/NSPS permit issued October 24, 2003
RB3	RB3V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1977	29.3 million Btu/hr	NSR/NSPS permit issued October 24, 2003
RB4	RB4V	No. 6 Fuel Oil Boiler, Cleaver Brooks, installed 1993	29.3 million Btu/hr	NSR/NSPS permit issued October 24, 2003
PH1	PH1V	Two Propane Quikwater Hot Water Heaters, installed 1999	12.5 million Btu/hr each	April 15, 1999 NSR Exemption
PG1	PG1V	One diesel-fired engine generator set	10.01 million Btu/hr (1,000 kW)	NSR/NSPS permit issued October 24, 2003
Process Operations				
1PS	PCS8	Fresh packaged poultry from live poultry processing	200,000 birds/day	NSR/NSPS permit issued October 24, 2003
2RS	PCS1 PCS2 PCS3 PCS4 PCS5 RC1V PCS9V	Pet food grade poultry offal by-products rendering	60,000 pounds/hour	NSR/NSPS permit issued October 24, 2003
3RS	PCS1 PCS2 PCS3	Feed grade poultry offal by-products rendering	24,000 pounds/hour	NSR/NSPS permit issued October 24, 2003

	PCS4 PCS6 RC2V			
4RS	PCS1 PCS2 PCS3 PCS4 PCS7 RC3V	Poultry feather by-products rendering	21,000 pounds/hour	NSR/NSPS permit issued October 24, 2003
5RS	PCS1 PCS2 PCS3 PCS4	Poultry blood by-products rendering	8,000 pounds/hour	NSR/NSPS permit issued October 24, 2003

Pollution Control Equipment consists of:

Stack No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity	Pollutant
PCS1V	scrubber	AC Corporation	95% efficient	plant air
PCS2V	scrubber	Ceilcote	95% efficient	plant air noncondensibles
PCS3V	spray tower	AC Corporation	95% efficient	noncondensibles
PCS4V	packed tower	AC Corporation	95% efficient	noncondensibles
PCS5V	cyclone		80% efficient	process vapor
PCS6V	cyclone		80% efficient	process vapor
PCS7V	cyclone		80% efficient	process vapor
PCS8V	baghouse		90% efficient	feathers and dust from live hang
RC1V	air cooled condenser	MRM	97% efficient	process vapor
RC2V	air cooled condenser	MRM	97% efficient	process vapor
RC3V	air cooled condenser	AC Corporation	97% efficient	process vapor
PCS9V	venturi scrubber	Stord Inc.	95% efficient	concentrated odors from process equipment

*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements Using Fuel Oil – (Emission Unit Nos. PB1, PB2, PB3, RB1, RB2, RB3, RB4, PH1, and PG1)

A. Limitations

1. **Fuel** - The approved fuel for the 29.3 million Btu/hr boiler (Unit Ref. No. RB4) is residual oil with maximum 0.5% sulfur. The approved fuel for the other six boilers (Unit Ref. Nos. RB1, RB2, RB3, PB1, PB2, and PB3) is residual oil with maximum 2.0% sulfur. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 19 of NSR/NSPS permit issued October 24, 2003)
2. **Fuel Throughput** - The boilers, combined, shall consume no more than 2,598,428 gallons of the high sulfur (2.0%) residual oil per year and 1,500,000 gallons of the low sulfur (0.5%) residual oil per year, each calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 20 of NSR/NSPS permit issued October 24, 2003)
3. **Fuel Specifications** - The residual oil shall meet the ASTM specifications for numbers 4, 5, or 6 fuel oil.
(9 VAC 5-80-110 and Condition 21 of NSR/NSPS permit issued October 24, 2003)
4. **Emission Limits** - Emissions from the operation of all seven boilers, combined, when burning residual fuel shall not exceed the limits specified below. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

Particulate Matter	21.2 lbs/hr	34.1 tons/yr
PM-10	19.1 lbs/hr	29.7 tons/yr
Sulfur Dioxide	280.2 lbs/hr	466.9 tons/yr
Nitrogen Oxides (as NO ₂)	56.7 lbs/hr	112.8 tons/yr
Carbon Monoxide	5.2 lbs/hr	10.3 tons/yr
Volatile Organic Compounds	0.3 lbs/hr	0.6 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition Numbers 19, 20, 21, 22, 25, 26, 27, 28, 35, 41, and 44 of the NSR/NSPS permit issued October 24, 2003.

(9 VAC 5-80-110 and Condition 24 of NSR/NSPS permit issued October 24, 2003)

5. **Visible Emission Limit** - Visible emissions from boiler RB4 shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 27 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, or malfunction.
(9 VAC 5-80-110, Condition 25 of NSR/NSPS permit issued October 24, 2003, and 40 CFR 60.43c(c))
6. **Visible Emission Limit** - Visible emissions from boilers PB1, RB1, RB2, and RB3, shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, or malfunction.
(9 VAC 5-80-110 and Condition 26 of NSR/NSPS permit issued October 24, 2003)
7. **Visible Emission Limit** - Visible emissions from boilers PB2 and PB3 shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, or malfunction.
(9 VAC 5-80-110 and Condition 27 of NSR/NSPS permit issued October 24, 2003)
8. **Operating and Training Procedures** - Boiler emissions shall be controlled by proper operation and maintenance of combustion equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110 and Condition 23 of NSR/NSPS permit issued October 24, 2003)
9. **Fuel** - The approved fuel for the hot water heaters (Emission Unit PH1) is propane. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and NSR permitting exemption letter issued April 15, 1999)
10. **Emergency Use** - The generator (PG1) is to be used ONLY for providing power at the facility during interruption of service from the normal power supplier, periodic maintenance testing, and operational training. Total emergency generator use may not exceed 500 hours per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 37 of NSR/NSPS permit issued October 24, 2003)

B. Recordkeeping

1. **Fuel Certification** - The permittee shall obtain a certification from the fuel supplier, including sampling and analysis representative of each shipment of residual oil. Each fuel supplier certification shall include the following:
 - a. The name of the fuel supplier;
 - b. The date on which the residual oil was received;
 - c. The volume of residual oil delivered in the shipment;
 - d. The sulfur content of the residual oil;
 - e. A statement that the residual oil complies with the American Society for Testing and Materials specifications for numbers 4, 5, or 6 fuel oil;
 - f. Documentation of sampling of the residual oil indicating the location of the residual oil when the sample was drawn; and,
 - g. The method used to determine the sulfur content of the residual oil.

(9 VAC 5-80-110, Condition 22 of NSR/NSPS permit issued October 24, 2003, and 40 CFR 60.48c(f))
2. **Training Records** - The permittee shall maintain records of the training required by Condition A.8. of this section, including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept onsite, and made available for inspection by the DEQ.
(9 VAC 5-80-110 and Condition 23 of NSR/NSPS permit issued October 24, 2003)
3. **Onsite Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Daily throughput of residual oil for boiler RB4;
 - b. Annual throughput of low-sulfur residual oil (0.5% sulfur content), and high-sulfur residual oil (2.0% sulfur content), each calculated monthly as the sum of each consecutive 12-month period;

- c. All fuel supplier certifications;
- d. Annual number of operating hours for the emergency generator, calculated monthly as the sum of each consecutive 12-month period;
- e. Scheduled and unscheduled maintenance, and operator training;
- f. Daily throughput of propane for the hot water heaters (Emission Unit PH1);
- g. All opacity data; and,
- h. The DEQ-approved, pollutant-specific emission factors and equations used to demonstrate compliance with the emission limitations contained in Condition III.A.4.

These records shall be available onsite for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110, Condition 41 of NSR/NSPS permit issued October 24, 2003, and 40 CFR 60.48c)

C. Reporting

1. **Semi-Annual Reports** - The permittee shall submit fuel quality reports for the low-sulfur (0.5% sulfur content) residual oil to the Tidewater Regional Office within 30 days after the end of each semi-annual period. If no shipments of the low-sulfur residual oil were received during the semi-annual period, the semi-annual report shall consist of the dates included in the semi-annual period and a statement that no oil was received during the semi-annual period. If low-sulfur residual oil was received during the semi-annual period, the reports shall include:
 - a. The dates included in the semi-annual period;
 - b. Copies of all fuel supplier certifications for all shipments of low-sulfur residual oil received during the semi-annual period or a semi-annual summary from each fuel supplier that includes the information specified in Condition 22 of the NSR/NSPS permit issued October 24, 2003 for each shipment of low-sulfur residual oil; and,
 - c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the low-sulfur residual oil burned at the facility.

(9 VAC 5-80-110, Condition 44 of NSR/NSPS permit issued October 24, 2003, and 40 CFR 60.48c)

IV. Fuel Burning Equipment Requirements Using Poultry Fat – (Emission Unit Nos. PB1, PB2, PB3, RB1, RB2, RB3, and RB4)

A. Limitations

1. **Fuel** - The approved fuel for the boilers (Unit Ref. Nos. PB1, PB2, PB3, RB1, RB2, RB3, and RB4) is poultry fat generated as a by-product of the rendering process. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 29 of NSR/NSPS permit issued October 24, 2003)
2. **Fuel Throughput** - The boilers, combined, shall consume no more than 9,685,056 gallons of poultry fat per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 30 of NSR/NSPS permit issued October 24 2003)
3. **Operating and Training Procedures** - Boiler emissions shall be controlled by proper operation and maintenance of combustion equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110 and Condition 32 of NSR/NSPS permit issued October 24, 2003)
4. **Emission Limits** - Emissions from the operation of each boiler when operating using poultry fat as fuel shall not exceed the limits specified below:

Units PB1 and PB3, each

Particulate Matter	0.2 lb/hr
PM-10	0.2 lb/hr
Sulfur Dioxide	0.03 lb/hr
Nitrogen Oxides (as NO ₂)	2.6 lbs/hr
Carbon Monoxide	0.1 lb/hr
Volatile Organic Compounds	0.03 lb/hr

Unit PB2

Particulate Matter	0.07 lb/hr
PM-10	0.07 lb/hr
Sulfur Dioxide	0.01 lb/hr
Nitrogen Oxides (as NO ₂)	1.0 lbs/hr
Carbon Monoxide	0.04 lb/hr
Volatile Organic Compounds	0.05 lb/hr

Units RB1, RB2, RB3, and RB4, each

Particulate Matter	0.3 lb/hr
PM-10	0.3 lb/hr
Sulfur Dioxide	0.06 lb/hr
Nitrogen Oxides (as NO ₂)	5.1 lbs/hr
Carbon Monoxide	0.2 lb/hr
Volatile Organic Compounds	0.06 lb/hr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 29, 31, 36, 38, and 41 of the NSR/NSPS permit issued October 24, 2003.

(9 VAC 5-80-110 and Condition 33 of NSR/NSPS permit issued October 24, 2003)

5. **Emission Limits** - Emissions from the operation of all seven boilers (PB1, PB2, PB3, RB1, RB2, RB3, and RB4), combined, when operating using poultry fat as fuel shall not exceed the limits specified below, calculated monthly as the sum of each consecutive 12-month period:

Particulate Matter	7.8 tons/yr
PM-10	7.8 tons/yr
Sulfur Dioxide	1.5 tons/yr
Nitrogen Oxides (as NO ₂)	116.6 tons/yr
Carbon Monoxide	4.5 tons/yr
Volatile Organic Compounds	1.3 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 29, 30, 31, 35, 36, 38, and 41 of the NSR/NSPS permit issued October 24, 2003.

(9 VAC 5-80-110 and Condition 34 of NSR/NSPS permit issued October 24, 2003)

6. **Visible Emission Limit** - Visible emissions from each boiler stack when combusting poultry fat shall not exceed 10 percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 20 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, or malfunction.

(9 VAC 5-80-110 and Condition 36 of NSR/NSPS permit issued October 24, 2003)

B. Monitoring

1. **Fuel Certification** - The permittee shall sample the poultry fat fuel tank, from which poultry fat is used for boiler fuel, at least once per calendar month when poultry fat is used for boiler fuel. A sample analysis shall be conducted, using EPA approved methods, to determine a Btu value and sulfur content of the poultry fat.
(9 VAC 5-80-110 and Condition 31 of NSR/NSPS permit issued October 24, 2003)
2. **Initial Compliance Determinations** - Initial performance tests shall be conducted, or surrogate test results submitted, for PM, CO, and NO_x for each size category of boiler when firing poultry fat to determine compliance with the emission limits contained in Condition 33 of the NSR/NSPS permit issued October 24, 2003. The tests shall be performed, or surrogate test results submitted, and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated when firing poultry fat in the boiler but in no event later than 180 days after start-up of using poultry fat in the boilers. Tests shall be conducted and reported, and data reduced, as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Tidewater Regional Office (TRO). The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the TRO within 45 days after test completion and shall conform to the test report format enclosed with the NSR/NSPS permit issued October 24, 2003.
(9 VAC 5-80-110 and Condition 38 of NSR/NSPS permit issued October 24, 2003)
3. **Continuing Compliance Determinations - Stack Tests** - Upon request by the DEQ, the permittee shall conduct additional performance tests for criteria pollutants from each boiler stack to determine compliance with the emission limits contained in this permit. The details of the tests shall be arranged with the Tidewater Regional Office.
(9 VAC 5-80-110 and Condition 39 of NSR/NSPS permit issued October 24, 2003)
4. **Continuing Compliance Determinations - Visible Emissions Evaluation** - Upon request by the DEQ, the permittee shall conduct additional visible emissions evaluations from each boiler stack to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Tidewater Regional Office.
(9 VAC 5-80-110 and Condition 40 of NSR/NSPS permit issued October 24, 2003)

C. Recordkeeping

1. **Operating and Training Procedures** - The permittee shall maintain records of the training required in Condition A.3. of this section, including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept onsite and made available for inspection by the DEQ.
(9 VAC 5-80-110 and Condition 32 of NSR/NSPS permit issued October 24, 2003)
2. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual throughput of poultry fat for the boilers, calculated monthly as the sum of each consecutive 12-month period;
 - b. All poultry fat sample analyses;
 - c. Emission factors from stack tests of boilers firing poultry fat to verify compliance with emission limitations;
 - d. Results from stack tests and visible emissions evaluations;
 - e. Scheduled and unscheduled maintenance, and operator training; and,
 - f. The DEQ-approved, pollutant-specific emission factors and equations used to demonstrate compliance with the emission limitations contained in Condition A.4 and A.5 of this section

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 41 of NSR/NSPS permit issued October 24, 2003)

V. Fuel Burning Equipment Requirements Using Either Fuel Oil or Poultry Fat – (Emission Unit Nos. PB1, PB2, PB3, RB1, RB2, RB3, and RB4)

A. Limitations

1. **Emission Limits** - Regardless of any other condition in this permit, annual emissions of sulfur dioxide and nitrogen oxides from the operation of all seven boilers, combined, when operated using either poultry fat or residual oil as fuel, shall not exceed the following limits, calculated monthly as the sum of each consecutive 12-month period:

Sulfur Dioxide	466.9 tons/yr
Nitrogen Oxides	116.6 tons/yr

(9 VAC 5-80-110 and Condition 35 of NSR/NSPS permit issued October 24, 2003)

B. Recordkeeping

1. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to, calculation of actual annual sulfur dioxide emissions and nitrogen oxide emissions for all fuels combusted. The calculation shall be the sum of each consecutive 12-month period.

(9 VAC 5-80-110 and Condition 41 of NSR/NSPS permit issued October 24, 2003)

VI. Rendering Plant Operation Requirements (all units except fuel burning equipment)

A. Limitations

1. **Emission Controls** - Odor emissions from the rendering plant operations shall be controlled by proper operation and maintenance of the rendering plant. The rendering plant shall be provided with adequate access for inspection.

(9 VAC 5-80-110 and Condition 3 of NSR/NSPS permit issued October 24, 2003)

2. **Emission Controls** - Odor emissions from the rendering plant process areas, including raw material receiving hoppers, shall be controlled by odor control equipment. Specifically:
 - a. Odor from the raw sludge receiving tanks, sludge separating screen, coagulated blood centrifuge, fat centrifuge feed tank, fat centrifuge discharge tank, blood serum water tank, fat centrifuge, and presses (listed in Condition 2 of the NSR/NSPS permit issued October 24, 2003) shall be sequentially controlled by the venturi scrubber and Ceilcote scrubber, with ClO₂;
 - b. Odor from the cookers (listed in Condition 2 of the NSR/NSPS permit issued October 24, 2003), and all existing processing equipment shall be sequentially controlled by the condenser, spray tower, packed tower scrubber, with ClO₂ and Ceilcote cross-flow scrubber, with ClO₂; and,
 - c. Odor from the feather system area shall be controlled by the cross-flow scrubber (Unit Ref. No. PCS1).

The control equipment shall be provided with adequate access for inspection, and shall be in operation when the rendering plant is operating.

(9 VAC 5-80-110 and Condition 4 of NSR/NSPS permit issued October 24, 2003)

3. **Monitoring Devices** - The spray tower, venturi scrubber, and cross-flow scrubbers shall each be equipped with devices to continuously measure the scrubber liquid flow rate through each unit. The flow, pH, or oxidation reduction potential of the scrubbing liquids in the packed tower scrubber, Ceilcote scrubber, and cross-flow scrubber shall be checked and recorded manually during the operation of the rendering plant. The flow rate and pH level of the scrubbing liquids shall be checked and recorded during each shift. Each monitoring device shall be installed, maintained, calibrated, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the rendering plant is operating.

(9 VAC 5-80-110 and Condition 5 of NSR/NSPS permit issued October 24, 2003)

4. **Monitoring Device Observation** - The monitoring devices used to continuously measure flow rate shall be observed by the permittee with a frequency of at least once per shift to ensure good performance of the scrubbers. The permittee shall keep a log of the observations from the monitoring devices.
(9 VAC 5-80-110 and Condition 6 of NSR/NSPS permit issued October 24, 2003)
5. **Operating Limitation** - All exterior doors for the rendering process areas shall be equipped with automatic closure devices (except for overhead roll-up doors). The permittee shall regularly monitor doors that are open for make-up air to ensure some negative pressure so that no odors escape. Monitoring for the negative pressure shall be conducted on a monthly basis, during normal operating conditions.
(9 VAC 5-80-110 and Condition 7 of NSR/NSPS permit issued October 24, 2003)
6. **Operating Limitation** - All material received at the rendering plant shall be processed or hauled away before it has decomposed to the extent that it causes objectionable odors.
(9 VAC 5-80-110 and Condition 8 of NSR/NSPS permit issued October 24, 2003)
7. **Operating Limitation** - Each loaded truck shall be covered with tarp until it is unloaded. The staging and loadout areas must be paved and coated with nonporous material which is easy to clean. The staging and loadout areas must be cleaned within four hours of any spillage. Wastewater from the cleanup shall be directed to the sewer system.
(9 VAC 5-80-110 and Condition 9 of NSR/NSPS permit issued October 24, 2003)
8. **Operating Limitation** - Each truck shall be washed promptly after being emptied. Wastewater from the cleanup shall be directed to the sewer system.
(9 VAC 5-80-110 and Condition 10 of NSR/NSPS permit issued October 24, 2003)
9. **Operating Limitation** - Truck transit areas around the rendering plant shall be paved with a non-porous material to avoid malodorous contamination and shall be kept in a clean condition.
(9 VAC 5-80-110 and Condition 11 of NSR/NSPS permit issued October 24, 2003)
10. **Operating Limitation** - There shall be no ponded water outside of the rendering plant.
(9 VAC 5-80-110 and Condition 12 of NSR/NSPS permit issued October 24, 2003)
11. **Operating Limitation** - All spilled finished product shall be cleaned up promptly.
(9 VAC 5-80-110 and Condition 13 of NSR/NSPS permit issued October 24, 2003)

12. **Emergency Odor Response Plan** - The permittee shall prepare a plan to prevent, detect, and correct malfunctions that cause excessive odor emissions. The plan shall include all of the following:
- a. A complete preventative maintenance program, including identification of the supervisory personnel responsible for overseeing the inspection, maintenance, and repair of the processing equipment and pollution control equipment. The plan shall also include a description of the items or conditions that shall be inspected, the frequencies of inspections, maintenance, and repairs, and an identification of the major replacement parts that shall be retained in inventory for quick replacement; and,
 - b. A description of the source and the air-cleaning device operating parameters that shall be monitored to detect a malfunction, the normal operating range for these parameters, and a narrative of the standard operating procedures for this device.
- (9 VAC 5-80-110 and Condition 14 of NSR/NSPS permit issued October 24, 2003)
13. **Emergency Odor Response Plan** - The permittee shall develop an Emergency Odor Response Plan to describe activities necessary to prevent excess odor incidents as much as possible and promptly control and eliminate the excess odor emissions during unavoidable incidents. These activities shall include, but are not limited to, diversion of on-site material to other facilities and/or refusal of off-site material. The plan shall also establish criteria for when to terminate processing and how to handle unprocessed material inside the rendering area.
- (9 VAC 5-80-110 and Condition 15 of NSR/NSPS permit issued October 24, 2003)
14. **Rendering Plant Throughput** - The throughput of poultry offal, feathers, or blood rendered shall not exceed 388,000 tons per year from all sources, calculated monthly as the sum of each consecutive 12-month period.
- (9 VAC 5-80-110 and Condition 16 of NSR/NSPS permit issued October 24, 2003)
15. **Operating and Training Procedures** - Rendering plant emissions shall be controlled by proper operation and maintenance of air pollution control equipment. Rendering plant operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
- (9 VAC 5-80-110 and Condition 17 of NSR/NSPS permit issued October 24, 2003)
16. **Excessive Odor Requirements** - If DEQ investigates an odor complaint and determines that excessive odor does exist, the DEQ may require that the raw materials no longer be fed to the process causing the odor. The remaining raw materials for this process and any incoming raw materials shall be diverted to another plant site until the problem is corrected.
- (9 VAC 5-80-110 and Condition 18 of NSR/NSPS permit issued October 24, 2003)

- 17. Implementation of Emergency Odor Response Plan** - In the event that the odor control equipment fails or malfunctions in such a manner that causes excessive odor emissions, and/or processing equipment fails or malfunctions in such a manner that processing material must be discontinued for more than one hour, the permittee shall promptly implement the Emergency Odor Response Plan.
(9 VAC 5-80-110 and Condition 50 of NSR/NSPS permit issued October 24, 2003)

B. Recordkeeping

- 1. Operating and Training Procedures** - The permittee shall maintain records of the training required in Condition A.15 of this section, including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for all rendering plant process equipment and air pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110 and Condition 17 of NSR/NSPS permit issued October 24, 2003)
- 2. On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
- a. Flow and pH readings of scrubbing liquids;
 - b. Annual throughput of poultry offal, feathers, and blood rendered, calculated monthly as the sum of each consecutive 12-month period;
 - c. Negative pressure check records; and,
 - d. At least one copy of the Emergency Odor Response Plan.
- These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110 and Condition 41 of NSR/NSPS permit issued October 24, 2003)

C. Notifications

1. **Initial Notifications** - The permittee shall furnish written notification to the Tidewater Regional Office of:
 - a. The actual date on which installation of the two new hydrolysers commenced, within 30 days after such date.
 - b. The actual start-up date of the two new hydrolysers within 15 days after such date.
- (9 VAC 5-80-110 and Condition 45 of NSR/NSPS permit issued October 24, 2003)

VII. Facility-Wide Conditions

1. **Testing/Monitoring Ports** - The permitted facility shall be constructed so as to allow for emission testing upon reasonable notice at any time, using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stacks or ducts free from cyclonic flow. Test ports shall be provided when requested at the appropriate locations **or** in accordance with the applicable performance specifications (reference 40 CFR part 60, Appendix B).

(9 VAC 5-80-110 and Condition 42 of NSR/NSPS permit issued October 24, 2003)

2. **On Site Records** - The permittee shall maintain and have available a listing of the names, addresses, and phone numbers of the persons who are accountable for the daily operations of the plant. A log shall be kept showing the dates and times that the equipment is down for repairs. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 43 of NSR/NSPS permit issued October 24, 2003)

3. **Notification for Control Equipment Maintenance**

The permittee shall furnish notification to the Tidewater Regional Office of the intention to shut down or bypass, or both, air pollution control equipment for necessary scheduled maintenance, which results in excess emissions for more than one hour, at least 24 hours prior to the shutdown. The notification shall include, but is not limited to, the following information:

- a. Identification of the air pollution control equipment to be taken out of service, as well as its location, and registration number;
- b. The expected length of time that the air pollution control equipment will be out of service;
- c. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period; and,
- d. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage.

(9 VAC 5-80-110 and Condition 48 of NSR/NSPS permit issued October 24, 2003)

4. **Violation of Ambient Air Quality Standard**

The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard, and shall not return to normal operation until such time as the ambient air quality standard will not be violated.

(9 VAC 5-80-110 and Condition 51 of NSR/NSPS permit issued October 24, 2003)

5. Maintenance / Operating Procedures

The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training, and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-110 and Condition 52 of NSR/NSPS permit issued October 24, 2003)

6. Registration / Update

Annual requirements to fulfill legal obligations to maintain current stationary source emissions data will necessitate a prompt response by the permittee to requests by the DEQ or the Board for information to include, as appropriate: process and production data; changes in control equipment; and operating schedules. Such requests for information from the DEQ will either be in writing or by personal contact. The availability of information submitted to the DEQ or the Board will be governed by applicable provisions of the Freedom of Information Act, §§2.1-340 through 2.1-348 of the Code of Virginia, §10.1-1314 (addressing information provided to the Board) of the Code of Virginia, and 9 VAC 5-170-60 of the State Air Pollution Control Board Regulations. Information provided to federal officials is subject to appropriate federal law and regulations governing confidentiality of such information.

(9 VAC 5-80-110 and Condition 55 of NSR/NSPS permit issued October 24, 2003)

7. Existing Source Standard for Visible Emissions

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the requirements of this condition because of the presence of water vapor shall not be a violation of this section. This standard is applicable to Emission Units PB1, PB2, PB3, RB1, RB2, and RB3.

(9 VAC 5-40-80 and 9 VAC 5-80-110)

8. New Source Standard for Visible Emissions

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this condition. This standard is applicable to Emission Points PCS8 and PH1.

(9 VAC 5-50-80 and 9 VAC 5-80-110)

9. Monitoring

For each emissions unit with a visible emissions limit contained in this permit, the permittee shall perform a monthly visual emissions observation during normal operations. If such visual observation indicates any visible emissions, the permittee shall take corrective action to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using 40 CFR Part 60, Appendix A, Method 9, for six minutes. If the six-minute VEE opacity average exceeds 50% of the standard for a specific unit, the VEE for that unit shall continue for an additional 12 minutes. If any of the six-minute averages during the 18 minutes exceeds the standard for a specific unit, the VEE for that unit shall continue for one hour from initiation on the stack to determine compliance with the opacity limit. The permittee shall record the details of the visual emissions observations, VEEs, and any corrective actions. The records shall be kept at the facility and made available for inspection by the DEQ for the most recent five year period.

(9 VAC 5-80-110 E)

- 10. Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

VIII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
Storage Tanks				
14RT	Poultry Process Sludge	9 VAC 5-80-720 B	VOC	5,200 gallons
15RT	Poultry Process Sludge	9 VAC 5-80-720 B	VOC	5,200 gallons
SC1	Used Lubricants	9 VAC 5-80-720 B	VOC	4,000 gallons
SC2	Unleaded Gasoline	9 VAC 5-80-720 B	VOC	500 gallons
TP2	Unleaded Gasoline	9 VAC 5-80-720 B	VOC	500 gallons
TP3	Diesel Fuel	9 VAC 5-80-720 B	VOC	500 gallons
1RT	No. 6 Fuel Oil	9 VAC 5-80-720 B	VOC	20,000 gallons
2RT	No. 6 Fuel Oil	9 VAC 5-80-720 B	VOC	20,000 gallons
3RT	Poultry Fat	9 VAC 5-80-720 B	VOC	20,000 gallons
4RT	Poultry Fat	9 VAC 5-80-720 B	VOC	20,000 gallons
5RT	Poultry Fat	9 VAC 5-80-720 B	VOC	20,000 gallons
6RT	Poultry Fat	9 VAC 5-80-720 B	VOC	20,000 gallons
SC3	Diesel Fuel	9 VAC 5-80-720 B	VOC	15,000 gallons
TP1	No. 6 Fuel Oil	9 VAC 5-80-720 B	VOC	12,000 gallons
HAT1	Diesel Fuel	9 VAC 5-80-720 B	VOC	10,000 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

IX. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels	Subpart Kb has been amended to exempt those storage vessels previously subject to recordkeeping requirements only.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

X. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition X.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emissions Standards for Asbestos, as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

XI. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5-50-140 Standard for Odorous Emissions
 2. 9 VAC 5-60-320 Standard for Toxic Pollutants
- (9 VAC 5-80-110 N and 9 VAC 5-80-300)